

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

ELSA ANCHONDO, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

CV 08-0202 RB/WPL

ANDERSON, CRENSHAW, & ASSOCIATES,  
L.L.C.,

Defendant.

**ORDER GRANTING MOTIONS TO COMPEL**

On March 21, 2012, Plaintiff filed two motions to compel discovery and memoranda in support. (Docs. 156, 157, 158 & 159). The responses to the motions by Steven R. Dunn and Thomas Backal were due by April 9, 2012. *See* D.N.M.LR-Civ. 7.4(a) (“[A] response must be served and filed within fourteen (14) days after service of the motion . . . .”); FED. R. CIV. P. 6(d) (three additional days when service is made electronically). To date, no responses have been filed. Plaintiff filed notices of briefing complete on April 30, 2012<sup>1</sup> (Docs. 160 & 161), thereby concluding briefing on the motions. *See* D.N.M.LR-Civ. 7.4(e).

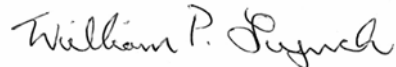
The local rules of this district provide that the failure “to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.” D.N.M.LR-Civ. 7.1(b). Though a dispositive motion cannot be conceded based on the

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<sup>1</sup> Plaintiff’s notices include a motion filed with the Tenth Circuit on April 23, 2012 in which Backal and Dunn requested an extension of time due to family issues. (Doc. 160 Ex. A; Doc. 161 Ex. A.) I will not impute the rationale provided to the Tenth Circuit to excuse Backal and Dunn’s failure to respond in this Court. If anything, Backal and Dunn’s filing with the Circuit indicates that they are actively participating and monitoring deadlines related to this case, further evincing their consent to Plaintiff’s motions that are now before me.

failure to file a response in opposition, *see Reed v. Bennett*, 312 F.3d 1190, 1195 (10th Cir. 2002), this is a discovery motion and the local rule applies. Accordingly, I find that Dunn and Backal have consented to Plaintiff's motions.

IT IS THEREFORE ORDERED that Plaintiff's motions to compel (Docs. 156 & 158) are granted. Backal shall provide full and complete responses to Interrogatories Nos. 1, 2(b), 2(g), 2(p), 3, 7, 11 and 13 and Requests for Production Nos. 1, 2, 6, 9, 11, 12 and 16 by **May 14, 2012**. Dunn shall provide full and complete responses to Interrogatories Nos. 2(b), 2(j), 2(p), 7, 9 and 12 and Requests for Production Nos. 1, 2, 6, 11 and 12 by **May 14, 2012**. Backal and Dunn are advised that failure to comply with this order may result in the imposition of sanctions, up to and including the institution of contempt proceedings.



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William P. Lynch  
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any *pro se* party as they are shown on the Court's docket.